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**DOCKETED**

Attorneys for Plaintiff EEOC

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

vs.

UNITED FREIGHT AND TRANSPORT,  
INC.,

Defendant.

DEFENDANT'S FIRST DISCOVERY  
REQUESTS TO PLAINTIFF AND  
*Supplemental* ANSWERS THERETO

Case No. A05-0122 CV (JWS)

**GENERAL OBJECTIONS**

EEOC objects to Defendant's Interrogatories to the extent they require the Commission to separately identify factual information that the Commission has previously produced in its Fed. R. Civ. P. 26(a) Initial Disclosures. The Commission may refer Defendant to information or documents produced in its Initial Disclosures in responding to the discovery requests below.

EEOC also objects to Defendant's implication that it may be bound to deadlines or other requirements other than those applicable under the Federal Rules of Civil Procedure or Local Rules for the U.S. District Court, District of Alaska.

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**INTERROGATORIES**

**INTERROGATORY NO. 1:** Please describe all facts that support your contention that United Freight engaged in unlawful employment practices at its Anchorage, Alaska facilities, as alleged in paragraph 7 of the Complaint.

**ANSWER TO INTERROGATORY NO. 1:**

The EEOC objects that this discovery request is overbroad and burdensome. Furthermore, the EEOC objects to this discovery request to the extent it seeks information and documents subject to the Governmental Deliberative Process Privilege, the Attorney-Client Privilege, the Attorney Work Product Doctrine and/or the Joint Prosecution Privilege/Common Interest Privilege. In addition, the Commission objects to this contention interrogatory as improper under Federal Rule of Civil Procedure 33(c) and interpretive case law. Contention interrogatories are disfavored when they are raised so early in pre-trial discovery. *See In re Convergent Technologies*, 108 F.R.D. 328, 332-40 (N.D. Cal. 1985). This interrogatory is improper at this time because it has been brought prior to any opportunity for the parties to exchange meaningful discovery or conduct depositions. Furthermore, the Commission asserts that any factual information relevant to this interrogatory is obtainable from other less burdensome sources.

Notwithstanding these objections, pursuant to Federal Rule of Civil Procedure 33(d), the EEOC directs Defendant to derive or ascertain the answer to this interrogatory from EEOC's initial disclosures bates stamped numbered EEOC 000004 – EEOC 000151 provided pursuant to Fed. R. Civ. P. 26(a)(1) on August 29, 2005.

DEFENDANT'S FIRST DISCOVERY  
REQUESTS TO PLAINTIFF AND ANSWERS  
THERE TO  
Page 2 of 15

EXHIBIT C  
Page 2 of 4

*EEOC v. United Freight & Transport, Inc.*

Case No. A053-0122 CV (JWS)

**SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 1:**

Notwithstanding the earlier asserted objections, the EEOC supplements its answers as follows. The Equal Employment Opportunity Commission alleges that defendant subjected Ms. Shoshay Posciri to disparate treatment when it failed to hire her on the basis of their sex. The facts supporting this contention are that Ms. Posciri is a highly qualified driver with a great driving record. Please see answer to Interrogatory No. 5 which details Ms. Posciri's driving experience. Ms. Posciri has worked as a truck driver since 1975. She has been a member of Local 959 since 1995. She has an excellent employment record with over 20,000 hours of driving time recorded with the union. She has strong endorsements of her abilities. Ms. Posciri was dispatched to United Freight and given an over-the-road test consisted of going to the Port of Anchorage to drop off and pick up a trailer, customer delivery, and a return to the yard. According to Posciri, Smith told her she did very well. Smith told her she passed the test, which is confirmed the written record. However, United Freight did not hire Ms. Posciri and hired a less qualified male with less union seniority. Discovery is ongoing and the EEOC will supplement this answer as appropriate.

**INTERROGATORY NO. 2:** Please describe all facts that support your contention that United Freight's alleged unlawful employment practices were done with malice or reckless indifference to Ms. Posciri's federally protected rights, as alleged in paragraph 10 of the Complaint.

**ANSWER TO INTERROGATORY NO. 2:**

The EEOC objects that this discovery request is overbroad and burdensome. Furthermore, the EEOC objects to this discovery request to the extent it seeks information and documents subject to the Governmental Deliberative Process Privilege, the Attorney-Client

DEFENDANT'S FIRST DISCOVERY  
REQUESTS TO PLAINTIFF AND ANSWERS  
THERE TO  
Page 3 of 15

*EEOC v. United Freight & Transport, Inc.*

Case No. A053-0122 CV (JWS)

EXHIBIT C  
Page 3 of 4

**SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

Without waiving previously asserted objections the Commission supplements its answer as follows. Because defendant has indicated in its November 22, 2005 letter its request is intended to help it ascertain Ms. Posciri's income, and lost wages for front and back pay the Commission is providing this information from sources other than Ms. Posciri's tax returns. Please see attached wage and earnings documentation bates stamped EEOC 000262-EEOC 000269.

DATED this 5th day of December, 2005, at Seattle, WA

A. LUIS LUCERO, JR.  
Regional Attorney

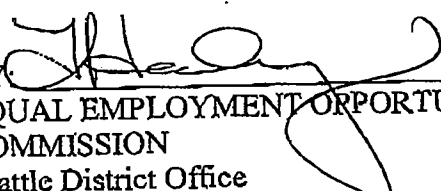
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DEFENDANT'S FIRST DISCOVERY  
REQUESTS TO PLAINTIFF AND ANSWERS  
THERE TO  
Page 15 of 15

*EEOC v. United Freight & Transport, Inc.*

Case No. A053-0122 CV (JWS)

EXHIBIT C  
Page 4 of 4